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Filing date: **08/02/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204897
Party	Plaintiff John G. Marino
Correspondence Address	SCOTT M BEHREN ESQ BEHREN 2893 EXECUTIVE PARK DRIVE, SUITE 203 WESTON, FL 33331 UNITED STATES scott@behrenlaw.com
Submission	Other Motions/Papers
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Signature	/Scott M. Behren/
Date	08/02/2012
Attachments	Marino Amended Notice Opposition 91204897.pdf (5 pages)(116207 bytes) Exhibit 4-C REMAX Letter.pdf (1 page)(237228 bytes) Exhibit 1-G tousa screenshot 12-12-07.pdf (1 page)(51153 bytes) Exhibit 3-A Who is record.pdf (1 page)(58963 bytes) Exhibit 2-C Homes for Sale.pdf (2 pages)(202885 bytes) Exhibit 2-D Homes for Rent.pdf (2 pages)(202874 bytes) Exhibit 2-A Articles.pdf (6 pages)(261912 bytes) Exhibit 4-G Who-Is report.pdf (1 page)(38720 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the matter of trademark application Serial No. 85411955
For the mark LAGUNA LAKES Published in the Official Gazette on
February 28, 2012**

Opposition No: 91204897

JOHN GERARD MARINO

v.

LAGUNA LAKES COMMUNITY ASSOCIATION, INC.

AMENDED NOTICE OF OPPOSITION

The above-identified oppose, John Gerard Marino (“Marino”) believes that he will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same. The grounds for opposition are as follows:

1. John Gerard Marino (“Marino”) has been using the trade-name “Mr. Laguna Lakes” in the business of selling real estate in Laguna Lakes, a development in Ft. Myers, Florida since April 2003. *See*, attached Exhibit “A.” Marino registered the domain name mrlagunalakes.com on or about February 17, 2005.
2. The Laguna Lakes Community Association, Inc. (“Laguna”), is a Florida non-profit home-owners association originally owned and operated by Transeastern Properties, Inc., and its affiliated entities including TOUSA, Inc.

until on or about June 2007. Transeastern also operated the domain name HYPERLINK "http://www.lagunalakes.com" www.lagunalakes.com which was eventually transferred to TOUSA, Inc. See, attached Exhibit "B."

According to Whois.com, the domain name HYPERLINK "http://www.lagunalakes.com" www.lagunalakes.com is currently owed by Moniker Online Services, Inc.

3. On or about August 24, 2006, Laguna Lakes registered the domain name lagunalakesassociation.com for its website. See, attached Exhibit "C."

4. On or about January 2008, TOUSA, Inc. filed for Chapter 11 Bankruptcy in the U.S. District Court for the Southern District of Florida, *In Re: TOUSA, Inc.*, Case No: 08-10928 (JKO). Upon information and belief, this bankruptcy is still pending. Laguna Lakes never acquired any of the intellectual property rights, including the services marks or logos, of Transeastern or TOUSA, Inc. at any time.

5. Laguna Lakes only does business within the State of Florida and does no business in interstate commerce whatsoever. In fact, according to its Articles of Incorporation, its only business is to be a non-profit and to collect assessments from its property owners. See, attached Exhibit "E." However, contrary to its Articles, on its website, it is allowing its property manager, Alliant, to post listings for real property for sale and rent in Laguna Lakes, in

direct competition with Marino. *See*, attached Exhibits “D.”

6. On its trademark application dated August 31, 2011, Laguna Lakes made material misrepresentations including but not limited to:

- Stating as its website HYPERLINK "<http://www.lagunalakes.com>" www.lagunalakes.com when in fact it has never owned or operated this domain;

- It claims that it only manages the business of a homeowners association, when the web-site also solicits advertising for rentals and properties for sale attempting to bypass the brokerage by a Realtor, such as Marino; -It claims that its first use in commerce was in October 2003, when in actuality only Transeastern and TOUSA utilized the mark prior to June 2007;

- Laguna never disclosed, as required, there are at least two other communities in the United States, including one in Florida, also using the Laguna Lakes name;

- Laguna never disclosed, as required, the concurrent use of the name and logo by Marino, even though he is personally known by them and that the registration of the mark and name would be harmful to Marino.

7. The mark should not be registered in that it's merely geographically

descriptive of a development and area in Ft. Myers, Florida.

8. Marino is the prior user of the name Laguna Lakes and used it prior to Laguna and as early as April 2003. Marino has used the trade-name "Mr. Laguna Lakes" since that time. See, attached Exhibit "F." Laguna's registration of the proposed mark, especially when using it to sell and rent real estate in Laguna Lakes, is likely to cause confusion, mistake and/or deception and should be prohibited.

9. As set forth herein, in filing its application for service mark, Laguna made material misrepresentations with the intent to deceive the U.S.P.T.O. Laguna intentionally misrepresented, its domain name, the type of business in which it intends to use the mark, that it is using the mark in interstate commerce and date of its first use in interstate commerce.

For all of the foregoing reasons and others as shall be proved in this case, Marino opposes the registration of the Laguna Lakes trademark by Laguna.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by electronic mail on this 2 day of August 2012 to: Donna M.

Flammang, Esq., Brennan Manna & Diamond, P.L., 3301 Bonita Beach

Road, Suite 100, Bonita Springs, FL 34134.

BEHREN LAW FIRM

2893 Executive Park Drive Suite 110

Weston, FL 33331

(954) 636-3802

scott@behrenlaw.com

By:/ Scott M. Behren/
Scott M. Behren
Fla. Bar 987786



April 10, 2003

FILE

TO: ALL ASSOCIATES

FROM: MICHAEL FRYE, CCIM
FRANK SZELEST, CCIM
GEORGE SAYERS, BROKER

RE: RE/MAX REALTY GROUP SALES MEETING
April 9, 2003

Kevin Jarrett, from Laguna Lakes, sponsored our Sales Meeting. Laguna Lakes is running a special program thru June 30, 2003, in which they're offering a 6% co-broke commission for qualifying agents and their offices. Gerard Marino has qualified our entire group for this special rate by selling 11 properties in Laguna Lakes! Congratulations to the following lucky raffle winners: George Sayers, Gerard Marino, Trac Zipperer, Jack Wagner, David Rowzer, Ken Marlowe, Phil Reasoner and Tom Ewert.

Karin Taylor, from the Radisson Inn of Fort Myers, gave a presentation on what the Radisson has to offer our out-of-town clients who may need accommodations while they are here looking for property. The Radisson will provide RE/MAX clients with a special rate of \$59 per night for their tropical pool-view room. The Radisson is also extending this offer to family and friends of RE/MAX Realty Group. The Radisson will be adding a new steakhouse restaurant, to be completed sometime this summer. The new restaurant will be capable of seating 400 people, with a combination of indoor/outdoor seating. You may notice the Tiki Bar being renovated too!

We would like to welcome Phil Reasoner to the commercial group. Please introduce your self when you seen him about the office.

Top Listing Associate, Sales Associate and Teams for the month of March 2003.

TOP RESIDENTIAL SALES	- Judy Kash
TOP COMMERCIAL SALES	- James McMenamy
TOP SALES TEAM	- Millard Brown

TOP LISTING RESIDENTIAL	- Jerry Tatarian
TOP LISTING COMMERCIAL	- Tom Woodyard
TOP LISTING TEAM	- Sande Ellis

TRANSACTIONS/VOLUME MARCH 2002	- 139	- \$ 18,395,881
TRANSACTIONS/VOLUME MARCH 2003	- 202	- \$ 33,483,548
(Record for transactions for 1 month)		
VOLUME YEAR TO DATE 2002	- \$ 60,138,940	
VOLUME YEAR TO DATE 2003	- \$ 91,362,555	

TOTAL LISTINGS FOR MARCH 2002	- 91	- \$ 27,398,970
TOTAL LISTINGS FOR MARCH 2003	- 131	- \$ 25,998,128

New Club Members:

Presidents Club	- Betty Beach
	- Brett Ellis
	- John Heeter
	- Judy Kash
Executive Club	- Millard Brown
	- Donna Mason
	- David Rowzer
100% Club	- Bob Brown
	- Sande Ellis
Platinum Club	- Jim McMenamy



Loading...

http://www.lagunalakes.com:80/ | 8:14:55 Dec
15, 2007

Got an HTTP 302 response at crawl time

Redirecting to...

http://www.lagunalakes.com/tousa

[Impatient?](#)



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Your use of the Wayback Machine is subject to the Internet Archive's [Terms of Use](#).

Who-is Record

Laguna Lakes Community Association, Inc.

15250 Lakes of Laguna Blvd.
Fort Myers, Florida 33908
United States

Registered through: GoDaddy.com, LLC (<http://www.godaddy.com>)

Domain Name: **LAGUNALAKESASSOCIATION.COM**

Created on: 24-Aug-06

Expires on: 24-Aug-12

Last Updated on: 26-May-10

Administrative Contact:

Lakes, Laguna noc@SolutionSense.com
Laguna Lakes Community Association, Inc.
15250 Lakes of Laguna Blvd.
Fort Myers, Florida 33908
United States
(239) 482-1469

Technical Contact:

Lakes, Laguna noc@SolutionSense.com
Laguna Lakes Community Association, Inc.
15250 Lakes of Laguna Blvd.
Fort Myers, Florida 33908
United States
(239) 482-1469

Domain servers in listed order:

NS.RACKSPACE.COM
NS2.RACKSPACE.COM



Homes/Condos For Sale in Laguna Lakes Community

To place an Ad under Homes/Condos for Sale, the property must be located in Laguna Lakes and you must be the registered owner of this property.

Please contact: Alliant Property Management

info@alliantproperty.com

Homes for Sale

None Currently Posted

This web site is a service of [Alliant Property Management, LLC](#)

[Resident Home](#)

[Public Home](#)

[LLCA Community Association](#)

[LLCA Board Info](#)

[LLCA Committees](#)

[LLCA Documents](#)

[LLCA FAQ's](#)

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[What's Nearby?](#)

[What's New](#)

[LLCA Parcels](#)

[Beverly Hills Community Association Inc.](#)

[Monterey Community Association Inc.](#)

[Pebble Beach Condominium Association Inc.](#)

[Santa Barbara Community Association Inc.](#)

[FL Bill News](#)



Homes/Condos For Rent in Laguna Lakes Community

To place an Ad under Homes/Condos for Rent, the property must be located in Laguna Lakes and you must be the registered owner of this property.

***Please contact: Alliant Property Management
info@alliantproperty.com***

Homes for Rent

None Currently Posted

This web site is a service of [Alliant Property Management, LLC](#)

Resident Home

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LLCA Community
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[What's New](#)

[LLCA Parcels](#)

[Beverly Hills Community Association Inc.](#)

[Monterey Community Association Inc.](#)

[Pebble Beach Condominium Association Inc.](#)

[Santa Barbara Community Association Inc.](#)

[FL Bill News](#)

FILED
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

03 SEP 26 PM 1:28

ARTICLES OF INCORPORATION
OF
LAGUNA LAKES COMMUNITY ASSOCIATION, INC.

The undersigned incorporator, for the purpose of forming a corporation not-for-profit pursuant to the laws of the State of Florida, Florida Statutes, Chapter 617, hereby adopts the following Articles of Incorporation:

PREAMBLE

TRANSEASTERN LAGUNA LAKES, LLC, a Florida limited liability company ("DECLARANT"), owns certain property in Lee County, Florida (the "SUBJECT PROPERTY"), and intends to execute and record a Master Declaration for Laguna Lakes (the "DECLARATION") which will affect the SUBJECT PROPERTY. This association is being formed as the association to administer the DECLARATION, and to perform the duties and exercise the powers pursuant to the DECLARATION, as and when the DECLARATION is recorded in the Public Records of Lee County, Florida, with these Articles of Incorporation attached as an exhibit. All of the definitions contained in the DECLARATION shall apply to these Articles of Incorporation, and to the Bylaws of the COMMUNITY ASSOCIATION.

ARTICLE 1. - NAME AND ADDRESS

The name of the corporation is LAGUNA LAKES COMMUNITY ASSOCIATION, INC., hereinafter referred to as the "COMMUNITY ASSOCIATION." The initial address of the principal office of the COMMUNITY ASSOCIATION and the initial mailing address of the COMMUNITY ASSOCIATION is 3300 University Drive, Coral Springs, Florida 33065.

ARTICLE 2. - PURPOSE

The purposes for which the COMMUNITY ASSOCIATION is organized are as follows:

- 2.1 To operate as a corporation not-for-profit pursuant to Chapter 617 of the Florida Statutes.
- 2.2 To enforce and exercise the duties of the COMMUNITY ASSOCIATION as provided in the DECLARATION.
 - 2.2.1 To promote the health, safety, welfare, comfort, and social and economic welfare of the members, and the OWNERS and residents of the SUBJECT PROPERTY, as authorized by the DECLARATION, by these ARTICLES, and by the BYLAWS.

ARTICLE 3. - POWERS AND DUTIES

The COMMUNITY ASSOCIATION shall have the following powers and duties:

- 3.1 All of the common law and statutory powers of a corporation not-for-profit under the laws of the State of Florida.
- 3.2 To administer, enforce, carry out and perform all of the acts, functions, rights and duties provided in, or contemplated by, the DECLARATION, including but not limited to, the following:
 - 3.2.1 To own, purchase, sell, mortgage, encumber, lease, administer, manage, operate, maintain, improve, repair and/or replace real and personal property.
 - 3.2.2 To make and collect ASSESSMENTS against OWNERS to defray the costs, expenses and losses incurred or to be incurred by the COMMUNITY ASSOCIATION, and to use the proceeds thereof in the exercise of the COMMUNITY ASSOCIATION'S powers and duties.

3.2.3 To enforce the provisions of the DECLARATION, these ARTICLES, and the BYLAWS.

3.2.4 To make, establish and enforce reasonable rules and regulations governing the use of COMMON AREAS, LOTS, UNITS and other property under the jurisdiction of the COMMUNITY ASSOCIATION.

3.2.5 To grant and modify easements, and to dedicate property owned by the COMMUNITY ASSOCIATION to any public or quasi-public agency, authority or utility company for public, utility, drainage and cable television purposes.

3.2.6 To borrow money for the purposes of carrying out the powers and duties of the COMMUNITY ASSOCIATION.

3.2.7 To exercise control over exterior alterations, additions, improvements, or changes in accordance with the terms of the DECLARATION.

3.2.8 To obtain insurance as provided by the DECLARATION.

3.2.9 To employ personnel necessary to perform the obligations, services and duties required of or to be performed by the COMMUNITY ASSOCIATION and for proper operation of the properties for which the COMMUNITY ASSOCIATION is responsible, or to contract with others for the performance of such obligations, services and/or duties.

3.2.10 To sue and be sued.

3.2.11 To operate and maintain the surface water management system for the SUBJECT PROPERTY as permitted by the South Florida Water Management District (the "SFWMD"), including all lakes, retention areas, culverts and related appurtenances, as may be applicable, and to comply with the requirements of any permit issued by the SFWMD for the SUBJECT PROPERTY.

3.2.12 To contract for cable television, security and other services for the SUBJECT PROPERTY.

ARTICLE 4. - MEMBERS

4.1 MEMBERS.

4.1.1 PARCEL ASSOCIATION MEMBER. Each PARCEL ASSOCIATION shall be a MEMBER of the COMMUNITY ASSOCIATION. Such membership shall be established upon the filing of the articles of incorporation of the PARCEL ASSOCIATION with the Secretary of State of the State of Florida, and the recording of such articles of incorporation in the public records of the county in which the SUBJECT PROPERTY is located, along with, or as an exhibit to, a PARCEL DECLARATION.

4.1.2 DECLARANT. DECLARANT shall be a MEMBER of the COMMUNITY ASSOCIATION so long as DECLARANT owns any PROPERTY, or holds a mortgage encumbering any PROPERTY other than a UNIT.

4.2 MEMBERS' Voting Rights. The total number of MEMBERS' votes shall be equal to the total number of UNITS and PLANNED UNITS within the SUBJECT PROPERTY from time to time. On all matters upon which the membership shall be entitled to vote, there shall be one (1) vote for each UNIT and PLANNED UNIT.

4.2.1 Each PARCEL ASSOCIATION MEMBER shall have the number of votes equal to the number of UNITS within the PROPERTY operated by, or subject to the jurisdiction of, that PARCEL ASSOCIATION at the time of such vote. A PARCEL ASSOCIATION MEMBER shall cast its votes in the manner provided by the BYLAWS.

4.2.2 DECLARANT shall have three votes for each vote of any MEMBER other than DECLARANT, so long as DECLARANT is entitled to appoint a majority of the directors of the COMMUNITY ASSOCIATION, as hereafter provided, and thereafter DECLARANT shall have three votes for each UNIT and each PLANNED UNIT contained with the PROPERTY owned by DECLARANT, and contained within any portion of the property described in Exhibit "B" of the DECLARATION which may be added to the DECLARATION.

4.3 The BYLAWS shall provide for an annual meeting of the members of the COMMUNITY ASSOCIATION and shall make provision for special meetings.

ARTICLE 5. - TERM OF EXISTENCE

The COMMUNITY ASSOCIATION shall have perpetual existence.

ARTICLE 6. - INCORPORATOR

The name and street address of the incorporator is: Eric A. Simon, 2825 University Drive, Suite 300, Coral Springs, Florida 33065.

ARTICLE 7. - DIRECTORS

7.1 The property, business and affairs of the COMMUNITY ASSOCIATION shall be managed by a BOARD which shall consist of not less than three (3) directors, and which shall always be an odd number. The BYLAWS may provide for a method of determining the number of directors from time to time. In the absence of a determination as to the number of directors, the BOARD shall consist of three (3) directors. Directors are not required to be OWNERS.

7.2 All of the duties and powers of the COMMUNITY ASSOCIATION existing under the DECLARATION, these ARTICLES and the BYLAWS shall be exercised exclusively by the BOARD, its agents, contractors or employees, subject to approval by the members only when specifically required.

7.3 The DECLARANT shall have the right to appoint all of the directors so long as DECLARANT owns any portion of the SUBJECT PROPERTY or any property that may be added to the SUBJECT PROPERTY, or as otherwise provided by law. The DECLARANT may waive its right to elect one or more directors by written notice to the COMMUNITY ASSOCIATION, and thereafter such directors shall be elected by the members. When the DECLARANT no longer owns any portion of the SUBJECT PROPERTY or any property that may be added to the SUBJECT PROPERTY, all of the directors shall be elected by the members in the manner provided in the BYLAWS.

7.4 Directors may be removed and vacancies on the BOARD shall be filled in the manner provided by the BYLAWS, however any director appointed by the DECLARANT may only be removed by the DECLARANT, and any vacancy on the BOARD shall be appointed by the DECLARANT if, at the time such vacancy is to be filled, the DECLARANT is entitled to appoint the directors.

7.5 The names and addresses of the initial directors, who shall hold office until their successors are appointed or elected, are as follows:

Marc Schneiderman, 3300 University Drive, Coral Springs, Florida 33065
Maryann Crowell, 3300 University Drive, Coral Springs, Florida 33065
Cora DiFiore, 3300 University Drive, Coral Springs, Florida 33065

ARTICLE 8. - OFFICERS

The officers of the COMMUNITY ASSOCIATION shall be a president, vice president, secretary, treasurer and such other officers as the BOARD may from time to time by resolution create. The officers shall serve at the pleasure of the BOARD, and the BYLAWS may provide for the removal from

office of officers, for filling vacancies, and for the duties of the officers. The names of the officers who shall serve until their successors are designated by the BOARD are as follows:

President Marc Schneiderman
Vice President. Maryann Crowell
Vice President/Secretary/Treasurer. . . Cora DiFiore

ARTICLE 9.- INDEMNIFICATION

9.1 The COMMUNITY ASSOCIATION shall indemnify any person who was or is a party, or is threatened to be made a party, to any threatened, pending or contemplated action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the COMMUNITY ASSOCIATION) by reason of the fact that he is or was a director, employee, officer or agent of the COMMUNITY ASSOCIATION, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with the action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interest of the COMMUNITY ASSOCIATION; and with respect to any criminal action or proceeding, if he had no reasonable cause to believe his conduct was unlawful; except, that no indemnification shall be made in respect to any claim, issue or matter as to which such person shall have been adjudged to be liable for gross negligence or willful misfeasance or malfeasance in the performance of his duties to the COMMUNITY ASSOCIATION unless and only to the extent that the court in which the action or suit was brought shall determine, upon application, that despite the adjudication of liability, but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the court shall deem proper. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, in and of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in, or not opposed to, the best interest of the COMMUNITY ASSOCIATION; and with respect to any criminal action or proceeding, that he had no reasonable cause to believe that his conduct was unlawful.

9.2 To the extent that a director, officer, employee or agent of the COMMUNITY ASSOCIATION has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Paragraph 1 above, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees and appellate attorneys' fees) actually and reasonably incurred by him in connection therewith.

9.3 Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the COMMUNITY ASSOCIATION in advance of the final disposition of such action, suit or proceeding as authorized by the BOARD in the specific case upon receipt of an undertaking by or on behalf of the directors, officer, employee or agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the COMMUNITY ASSOCIATION as authorized herein.

9.4 The indemnification provided herein shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under the laws of the State of Florida, any BYLAW, agreement, vote of members or otherwise, and as to action taken in an official capacity while holding office, shall continue as to a person who has ceased to be a director, officer, employee, or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

9.5 The COMMUNITY ASSOCIATION shall have the power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the COMMUNITY ASSOCIATION, or is or was serving at the request of the COMMUNITY ASSOCIATION as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against him and incurred by him in any such capacity, as arising out of his status as such, whether or not the COMMUNITY ASSOCIATION would have the power to indemnify him against such liability under the provisions of this Article.

ARTICLE 10. - BYLAWS

The first BYLAWS shall be adopted by the BOARD and may be altered, amended or rescinded by the DECLARANT, the Directors and/or members in the manner provided by the BYLAWS.

ARTICLE 11. - AMENDMENTS

Amendments to these ARTICLES shall be proposed and adopted in the following manner:

11.1 A majority of the BOARD shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of the members, which may be the annual or a special meeting.

11.2 Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote thereon within the time and in the manner provided in the BYLAWS for the giving of notice of a meeting of the members. If the meeting is an annual meeting, the proposed amendment or such summary may be included in the notice of such annual meeting.

11.3 At such meeting, a vote of the members entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of a majority of the votes of the entire membership of the COMMUNITY ASSOCIATION.

11.4 Any number of amendments may be submitted to the members and voted upon by them at any one meeting.

11.5 If all of the directors and all of the members eligible to vote sign a written statement manifesting their intention that an amendment to these ARTICLES be adopted, then the amendment shall thereby be adopted as though the above requirements had been satisfied.

11.6 No amendment shall make any changes in the qualifications for membership nor in the voting rights of members without approval by all of the members and the joinder of all INSTITUTIONAL LENDERS holding mortgages upon the LOTS. No amendment shall be made that is in conflict with the DECLARATION. Prior to the closing of the sale of all LOTS within the SUBJECT PROPERTY, no amendment shall make any changes which would in any way affect any of the rights, privileges, powers or options herein provided in favor of, or reserved to, the DECLARANT, unless the DECLARANT shall join in the execution of the amendment, including, but not limited to, any right of the DECLARANT to appoint directors pursuant to Article VII.

11.7 No amendment to these ARTICLES shall be made which discriminates against any OWNER(S), or affects less than all of the OWNERS within the SUBJECT PROPERTY, without the written approval of all of the OWNERS so discriminated against or affected.

11.8 Upon the approval of an amendment to these ARTICLES, the articles of amendment shall be executed and delivered to the Department of State as provided by law, and a copy certified by the Department of State shall be recorded in the public records of the county in which the SUBJECT PROPERTY is located.

ARTICLE 12. - DISSOLUTION

In the event of dissolution or final liquidation of the COMMUNITY ASSOCIATION, the assets, both real and personal, of the COMMUNITY ASSOCIATION, shall be dedicated to an appropriate public agency or utility to be devoted to purposes as nearly as practicable the same as those to which they were required to be devoted by the COMMUNITY ASSOCIATION. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any non-profit corporation, association, trust or other organization, to be devoted to purposes as nearly as practicable to the same as those to which they were required to be devoted by the COMMUNITY ASSOCIATION.

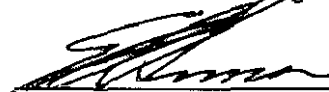
If the local government declines to accept the conveyance then the surface water management system, property containing the surface water management system and water management portions of the COMMON AREAS shall be dedicated to a similar non-profit corporation.

ARTICLE 13.

INITIAL REGISTERED OFFICE ADDRESS AND NAME OF REGISTERED AGENT

The initial registered office of the COMMUNITY ASSOCIATION shall be at 2825 University Drive, Suite 300, Coral Springs, Florida 33065. The initial registered agent of the COMMUNITY ASSOCIATION at that address is Eric A. Simon.

WHEREFORE, the incorporator, and the initial registered agent, have executed these ARTICLES on this 25th day of September, 2003. By executing these ARTICLES, the undersigned registered agent accepts the appointment as registered agent and states that the undersigned is familiar with, and accepts, the obligations of that position.




Eric A. Simon, as Incorporator and as Registered Agent

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 25th day of September, 2003, by Eric A. Simon, as Incorporator and as Registered Agent. He is personally known to me.


NOTARY PUBLIC, State of Florida at Large

 Cynthia S Voller
My Commission CC965666
Expires October 07 2004

FILED
SECRETARY OF STATE
TALLAHASSEE, FLORIDA
03 SEP 26 PM 1:22

Domain name: **MRLAGUNALAKES.COM**

Administrative Contact:

Marino, Gerard gmarino007@gmail.com
PO Box 60733
Fort Myers, FL 33906
US
+1.2398518883

Technical Contact:

Marino, Gerard gmarino007@gmail.com
PO Box 60733
Fort Myers, FL 33906
US
+1.2398518883

Registration Service Provider:

Register4less, support@r4l.com
(514) 905-6500
<http://register4less.com>

Registrar of Record: TUCOWS, INC.
Record last updated on 05-Mar-2012.
Record expires on 17-Feb-2013.
Record created on 17-Feb-2005.

Registrar Domain Name Help Center:

<http://tuowdomains.com>

Domain servers in listed order:

NS1.R4L.COM
NS2.R4L.COM